

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

ANTOINE WALKER,

Plaintiff,

v.

C/O STUDLACK,

Defendant.

: CIVIL ACTION NO: 17-2371

:

:

:

:

**FILED
SCRANTON**

DEC 21 2017

PER Amo
DEPUTY CLERK

CIVIL COMPLAINT

To The Honorable Court:

And Now, This Eighteenth, day in the month of December, in the Year of 2017 Two thousand, and seven-
teen 2017, comes the Plaintiff, Antoine Walker, bringing this
civil claim pursuant to 42 U.S.C. 1983. against the above noted
defendant C/o Studlack, who is an employee of the Department
of Corrections, employed as a Correctional Officer @ The State
Correctional Institution — Coal Township 1 Kelley Drive
Coal Township, Pa 17866-1021.

Plaintiff, Antoine Walker claims that Defendant C/o Stu-
dlack violated his Eighth Amendment Constitutional Right to be free
from Cruel, and Unusual punishment, when he (Defendant) used
Excessive Force against the Plaintiff, subjecting Plaintiff to Pain,
and suffering, in September of 2017 while he (Plaintiff) was an

Inmate at the State Correctional Institution — Coal Township ,
1 Kelley Drive , Coal Township, Pa 17866.
Today Plaintiff Antoine Walker # KG-7791 , is an inmate
residing at the State Correctional Institution — Frackville, 1111
Altamont Boulevard, Frackville, Pa 17931-2601.

Jurisdiction:

1.) Plaintiff Antoine Walker, brings this action under
42 U.S.C. 1983, and 28 U.S.C. 2201, 2202 to redress the depriv-
ations, under state law, of his rights secured by the Eighth,
and Fourteenth Amendments of the United States Constitution.

2.) Jurisdiction in this court derives from 28 U.S.C. ~~1331~~
and 1343.

3.) Venue is proper in the United States District Court for
the middle district of Pennsylvania Under 28 U.S.C. 1391(b).

Parties Involved:

4.) Plaintiff, Antoine Walker is a state inmate
currently incarcerated at the State Correctional Institution —
Frackville, 1111 Altamont Boulevard, Frackville, Pa 17931-2601.

5.) Defendant Studlack was a correctional officer at
the State Correctional Institution at Coal Township 1 Kelley
Drive , Coal Township, Pa
17866-1021 , at the time the relevant incidents discussed

herein this civil complaint. In which he is being sued in his individual capacity.

Facts:

6.) Plaintiff, Antoine Walker was incarcerated at the State Correctional Institution - Coal Township, 2 Kelley Drive, Coal Township, Pa 17866-1021, in September of 2017.

7.) On September 22nd, 2017, Plaintiff (Antoine Walker) filed a Grievance, and PREA Complaint while housed at SCI-Coal Township, against the defendant (C/o Studlack), in an attempt to exhaust remedies for Studlack threatening him [REDACTED] with "Bodily Harm" and Verbal Assault/Harrassment in which he, (C/o Studlack), called him, (Plaintiff), derogatory names in relation to his sexuality.

8.) On September 26, 2017 at approximately 9:35 a.m., Plaintiff (Antoine Walker) was returning from medical sick call when defendant (C/o Studlack) started yelling at him saying, [REDACTED]: "Come here Walker! Get Your ass over here!"

9.) When Plaintiff (Antoine Walker), approached Defendant (C/o Studlack), the Defendant (C/o Studlack) said, [REDACTED]: "Did You think that PREA Complaint would keep me from touching you?" [REDACTED] Plaintiff remained silent not knowing what to say, as defendant (C/o Studlack) continued to

taunt him.

10.) Defendant (studlack) then reached out his right hand, touching the Plaintiff (Antoine Walker) in the crotch. Plaintiff Walker pushed his hand away. At which time the Defendant (C/O studlack) punched Plaintiff in his right eye with his left fist, causing pain.

11.) Plaintiff, Walker, attempted to distance himself from the Defendant (C/O studlack). But C/O studlack proceeded to strike him (Antoine Walker), causing further pain and suffering, at which time Plaintiff (Antoine Walker) then retreated to get away from Defendant (C/O studlack), after falling to the ground.

12.) Plaintiff, (Antoine Walker) was then stopped by C/O Jones who ordered him to "cuff up". C/O Jones had his O.C. spray at the ready but did not discharge it.

13.) Plaintiff (Antoine Walker) stated "I will cuff up. But please keep C/O studlack away from me." Plaintiff was not being aggressive in anyway.

14.) The Defendant C/O studlack then charged at the Plaintiff, before he could comply with C/O Jones order, and sprayed him with O.C. spray.

15.) At which time Plaintiff (Antoine Walker) felt a burning sensation on his face, followed by burning in his eyes, and loss of vision in his left eye, along with loss of breathe, at which

time Plaintiff (Antoine Walker) again attempted to distance himself from defendant (C/o Studlack) in an attempt to avoid further assault from defendant (C/o Studlack).

16.) At which time Defendant C/o Studlack sprayed Plaintiff Antoine Walker once again, At which time he (Plaintiff) was then restrained by numerous staff members, and placed on the ground.

17.) Defendant (C/o Studlack) placed handcuffs on Plaintiff Walker excessively tight. [REDACTED] Plaintiff asked that the cuffs be loosened for they were hurting his wrist. Defendant Studlack refused, but instead proceeded to shock Plaintiff on both wrists causing further pain/suffering, though Plaintiff was not resisting, and stated loudly that he wasn't resisting.

18.) Defendant (C/o Studlack) began twisting Plaintiff's (Antoine Walker's) thumb, pinkie, and index finger on his right hand in an extremely painful manner. Plaintiff Walker was still on the ground, and not resisting.

19.) Plaintiff Walker was then escorted to medical due to his injuries, and due to the fact that the O.C. triggered Plaintiff's asthma, causing him (Plaintiff) not to be able to breathe (further pain, and suffering). Nurse Kayla took pictures of Plaintiff's face and refused to further document his injuries because Plaintiff couldn't breathe, or talk at the ^{moment} [REDACTED].

20.) Plaintiff Antoine Walker was emergency transferred

on September 26, 2017 out of SCI- Coal Township, and into SCI- Frackville where his injuries were further documented, and more photos were taken by nurse Wilson.

21.) Plaintiff, Antoine Walker, suffered much pain, and injury, in which he was subject to the pain of a bruised cheekbone, swollen eye, migraine headaches, and minor burn/scabs to the wrist area. Plaintiff also still lacks any feeling in part of his right hand, and forearm. His pinkie, and thumb, permanently bent slightly. Not to mention the pain and suffering he was forced to endure during the physical assault by defendant (C/O Studlack).

22.) Plaintiff, Walker, has too had to pay medical bills on several occasions to get further treatment of his injuries caused by defendant C/O Studlack.

23.) Plaintiff, Walker has exhausted all available administrative remedies through the Inmate Grievance process. in which he recieved no relief.

Cause of Action:

24.) Plaintiff (Antoine Walker) incorporates paragraphs 1-23, as if fully set forth in this paragraph.

25.) The Utilization of excessive force by Defendant C/O Studlack in a malicious, and sadistic manner to cause bodily harm, injury, and pain and suffering to the plaintiff Antoine Walker. without justification, constitutes cruel and unusual punishment

under the Eighth Amendment of the United States Constitution.

Relief Sought:

1.) Plaintiff Antoine Walker seeks compensatory, and punitive damages in the Amount of \$280,000.00 From Defendant C/o Studlack for the above noted injuries.

2.) Declaratory relief that the Defendant C/o Studlack Violated plaintiff Walker's Constitutional Rights.

3.) Attorney's Fees and Court costs.

4.) Any other relief the court deems necessary.

"DECLARATION OF TRUTH"

Plaintiff, Antoine Walker, swears under oath of perjury that the above is all true and correct to the best of my personal knowledge in accordance with 42 Pa. Code.

Antoine Walker # KG-7791

SCI-Frackville

1111 Attamont Boulevard

Frackville, Pa 17931-2601

151 Antoine D. Walker, 12-18-17

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTOINE WALKER

NO.

V. Plaintiff,

C/O STUDLACK

Defendant.

CERTIFICATE OF SERVICE

I Antoine Walker, certify that on this 18th day of December, 20 17,
that I mailed a copy of my Civil Complaint to the following listed below via
institutional mail service 28 U.S.C SECTION 1746:

To: U.S. District Courthouse (JUDGE)
235 N. Washington Ave.
P.O. BOX #1148
Scranton, PA 18501

U.S. District Courthouse (CLERK OF COURT)
235 N. Washington Ave.
P.O. BOX #1148
Scranton, PA 18501

C/O STUDLACK (DEFENDANT) (*sent to clerk of courts)
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866-1031

Antoine Walker, Pro Se 12-18-17

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Walker, Antoine, D.

DEFENDANTS Pa. D.O.C, C/o Studlack employee

(b) County of Residence of First Listed Plaintiff Schuylkill
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) Attorneys (Firm Name, Address, and Telephone Number)
Antoine Walker, Filing Pro Se

Attorneys (If Known)
UNKNOWN Attorney

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 1983

Brief description of cause: Excessive Force used Without justification

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMANDS 288,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

December 18th, 2017

SIGNATURE OF ATTORNEY OF RECORD

Antoine Walker, Pro Se

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

To: Clerk of Court
235 N. Washington Ave.
P.O. Box # 1148
Scranton, PA 18501

December 18th, 2017

from: Antoine Walker, KG-7791
1111 Altamont Blvd.
Frackville, PA 17931

To Clerk of Court,

I have submitted a civil complaint, 1983.

4 copies of the complaint are enclosed. 7 page complaint.

Each ~~copy~~ copy of the complaint is labeled for each person involved. I.e., Judge, clerk of Court, Defendant, & a copy to be returned to me, the plaintiff, after assigned a civil action number.

I have also sent the clerk a personal copy of my account statements from ⁸⁻²⁵⁻¹⁷ ~~8-25-17~~ to ¹¹⁻²²⁻¹⁷ ~~11-22-17~~. Until I can get a certified copy of the past 6 months. I need the clerk to send me a Prisoner Authorization form or some type of letter/document to show to the inmate account office here at my facility so I can send the courts a certified, signed, copy of my account statements for the last 6 months.

Thank you for your time and please send me something to show why I need certified copies of my ^{account} statements, to the account office here. 1

Respectfully Submitted,
Antoine Walker

Antoine Walker
KG-7791
1111 Altamont Blvd.
Frackville, PA 17931

RECEIVED
SCRANTON

DEC 21 2017

PER

DEPUTY CLERK

OFFICE of the CLERK

U.S. District Court
for the
Middle District of Penn.


235 North Washington

P.O. Box # 1148

Scranton, Pa 18501



Antoine Walker
KG-7791
1111 Alhambra Blvd.
Pottsville, PA 17931

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OFFICE of the CLERK
U.S. District Court
for the
Middle District of Pennsylvania
235 North Washington Ave.
P.O. Box # 1148
Scranton, Pa 18501-1148

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